

Gordon E. R. Troy, Esq., *Pro hac vice*
 Email: gtroy@webtm.com
 GORDON E. R. TROY, PC
 PO Box 1180
 Shelburne, VT 05482
 Telephone: 802 881-0640
 Facsimile: 646 588-1962

PAUL D. SUPNIK [SBN 52842]
 Email: paul@supnik.com
 LAW OFFICES OF PAUL D. SUPNIK
 9401 Wilshire Boulevard, Suite 1250
 Beverly Hills, CA 90212
 Telephone: 310.859.0100
 Facsimile: 310.388.5645

Attorneys for Defendants 4.Collective, LLC and
 Urban Outfitters, Inc. related to “PCM-2299-D165”
 and “Accused Product A”

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

WONGAB CORPORATION, a Korean Corporation, Plaintiff, vs. URBAN OUTFITTERS, INC., a Pennsylvania corporation; 4.COLLECTIVE, LLC, a New York limited liability company; SALT & PEPPER CLOTHING, INC, a California corporation; WESTON WEAR, INC., a California corporation; and DOES 1-10, Defendants.	CASE NO. 2:17-cv-05996-FMO-PLA STIPULATION TO SEVER CLAIMS AND TRANSFER VENUE UNDER 18 U.S.C. § 1404 Complaint Filed: 08/11/2017 Complaint Served: 08/28/2017 and 09/05/2017 Current Response Date: 11/14/2017 Stipulated Response Date: 12/12/2017 Hon. Fernando M. Olguin
--	---

Plaintiff Wongab Corporation (“Plaintiff”), on the one hand, and Defendants
 Urban Outfitters, Inc. (“Urban Outfitters”) and 4.Collective, LLC (“4.Collective”),
 on the other hand, by and through their counsel, stipulate and agree as follows:

WHEREAS, pursuant to a vendor agreement entered into in or around 2014,

1 4.Collective is obligated to defend, indemnify, and hold harmless Urban Outfitters,
2 *inter alia*, in connection with claims of intellectual property rights infringement
3 related to garments that 4.Collective sold to Urban Outfitters, such garments being
4 in this case the garment designated in the Complaint (Dkt. No. 1) as “Accused
5 Product A;”

6 WHEREAS, in accordance with said vendor agreement, Urban Outfitters
7 Outfitters”) and 4.Collective, LLC (“4.Collective”) are jointly represented by
8 Gordon E. R. Troy, P.C. and, as local counsel, Paul D. Supnik, on all claims
9 related to “Accused Product A;”

10 WHEREAS, Plaintiff filed the instant action on August 11, 2017;

11 WHEREAS, Plaintiff served the Complaint (Dkt. No. 1) on Urban Outfitters
12 via certified mail, with service deemed complete on August 28, 2017, and Urban
13 Outfitters’ response to the Complaint was due on September 18, 2017 (Dkt. No.
14 11);

15 WHEREAS, pursuant to a Fed. R. Civ. P. 4 waiver, 4.Collective’s deadline
16 to respond to the Complaint is November 14, 2017 (Dkt. No. 16);

17 WHEREAS, on October 3, 2017, pursuant to the Parties’ stipulation, the
18 Court granted an extension the deadline for Urban Outfitters and Defendant Salt &
19 Pepper Clothing (“Salt & Pepper”) to respond to the Complaint to November 14,
20 2017, in order to align all of the Defendants’ responsive pleading deadlines (Dkt.
21 No. 22-23);

22 WHEREAS, Urban Outfitters and Salt & Pepper, in response to the
23 Complaint, intend to file a motion to dismiss, which may be joined by 4.Collective;

24 WHEREAS, pursuant to the “meet and confer” conference on November 7,
25 2017, Plaintiff’s counsel indicated that Plaintiff may voluntarily (1) amend its
26 Complaint to address the pleading issues identified during the conference, and
27
28

(2) agree to sever and transfer to the United States District Court, Southern District of New York, the claims against 4.Collective and Urban Outfitters related to “PCM-2299-D165” and “Accused Product A;”

WHEREAS, 4.Collective contends that Plaintiff's patent claim must be brought against 4.Collective in the judicial district in which 4.Collective resides, i.e., the Southern District of New York, and Plaintiff agrees that its patent claim may be brought in the Southern District of New York;

WHEREAS, 4.Collective contends that this Court does not have personal jurisdiction over 4.Collective, and Plaintiff agrees that its claims against 4.Collective and Urban Outfitters regarding the "PCM 2299-D165" and "Accused Product A" may be brought in the Southern District of New York;

WHEREAS, 4.Collective contends and Plaintiff agrees, for purposes of this stipulation, that the claims against 4.Collective can be severed from the other claims in this action without prejudice to any party;

WHEREAS, 4.Collective and the other Defendants, other than Urban Outfitters, have no claims against each other whatsoever related to the subject matter of the Complaint;

WHEREAS, 4.Collective contends, and Plaintiff for purposes of this stipulation does not dispute, that Plaintiff does not maintain offices in California and is not licensed to do business in the State of California;

WHEREAS, Urban Outfitters is a corporation organized and existing under the laws of the state of Pennsylvania, with its principal offices located in Philadelphia, Pennsylvania, which is less than 100 miles from the Southern District of New York, and consents to the severance and transfer to the United States District Court, Southern District of New York, of all claims against Urban Outfitters related to “PCM-2299-D165” and “Accused Product A,” such transfer

1 being convenient for Defendant Urban Outfitters;

2 WHEREAS, 4.Collective purchased the fabric for “Accused Product A”
3 from Toposilks Co., Ltd. (“Toposilks”), a South Korean company whose
4 representative visited 4.Collective at its New York offices, and solicited sales of
5 the fabric used in the manufacture of “Accused Product A;”

6 WHEREAS, 4.Collective believes that Toposilks is subject to personal
7 jurisdiction in the Southern District of New York, and not in the Central District of
8 California;

9 WHEREAS, 4.Collective intends to join Toposilks as a party defendant
10 following severance and transfer to the Southern District of New York as
11 stipulated herein;

12 WHEREAS, the joinder of Toposilks is likely to accord complete relief
13 among Plaintiff, 4.Collective, and Urban Outfitters of the issues raised in the
14 Complaint with respect to “PCM-2299-D165” and “Accused Product A;”

15 WHEREAS, in the interest of avoiding motion practice that may be mooted
16 by amendment of the Complaint and severance and transfer of claims related to
17 “PCM-2299-D165” and “Accused Product A,” Plaintiff, 4.Collective, Urban
18 Outfitters, and Salt & Pepper jointly moved this Court to extend Defendants’
19 responsive pleading deadline from November 14, 2017, to December 12, 2017,
20 *inter alia*, to allow Plaintiff sufficient time to review and amend its Complaint;

21 WHEREAS, on November 13, 2017, pursuant to the Parties’ stipulation, the
22 Court granted an extension of the deadline for 4.Collective, Urban Outfitters, and
23 Salt & Pepper to respond to the Complaint to December 12, 2017 (Dkt. No. 29);

24 WHEREAS, Plaintiff, 4.Collective, and Urban Outfitters, with the consent
25 of Salt & Pepper, hereby jointly move this Court, to Order severance and transfer
26 to the United States District Court, Southern District of New York, of the claims
27
28

1 against 4.Collective and Urban Outfitters related to “PCM-2299-D165” and
 2 “Accused Product A” either upon Plaintiff’s filing of an Amended Complaint or, if
 3 no Amended Complaint is filed, on December 12, 2017; and

4 WHEREAS, Plaintiff, 4.Collective and Urban Outfitters believe that the
 5 interests of judicial and party efficiency will best be served by said severance and
 6 transfer.

7 NOW, THEREFORE, Plaintiff and Defendants 4.Collective and Urban
 8 Outfitters, with the consent of Salt & Pepper, stipulate and agree to the severance
 9 and transfer to the United States District Court, Southern District of New York, of
 10 the claims against 4.Collective and Urban Outfitters related to “PCM-2299-D165”
 11 and “Accused Product A” either upon Plaintiff’s filing of an Amended Complaint
 12 or, if no Amended Complaint is filed, on December 12, 2017, it being understood
 13 that responsive pleadings with respect to the severed and transferred claims will be
 14 filed in the United States District Court, Southern District of New York, following
 15 such severance and transfer.
 16

17 SO STIPULATED AND JOINTLY MOVED.

18
 19 Dated: November 16, 2017

GORDON E. R. TROY, PC

20
 21 /s/ Gordon E. R. Troy

22 By: _____

23 Gordon E.R. Troy
 24 Attorneys for Defendants
 25 4.COLLECTIVE, LLC and
 26 URBAN OUTFITTERS, INC.
 27
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PAUL D. SUPNIK

/s/ Paul D. Supnik

By: _____
Paul D. Supnik
Local Counsel, Attorneys for
Defendants 4.COLLECTIVE,
LLC and URBAN
OUTFITTERS, INC.

Dated: November 16, 2017

GORDON REES SCULLY
MANSUKHANI, LLP

/s/ Hazel Mae B. Pangan

By: _____
M. D. Scully
Hazel Mae B. Pangan
Attorneys for Defendant
URBAN OUTFITTERS, INC.

Dated: November 16, 2017

FRANK N. LEE LAW OFFICES

/s/ Frank N. Lee

By: _____
Frank N. Lee
Attorneys for Defendants
SALT & PEPPER CLOTHING,
INC. and URBAN OUTFITTERS,
INC.

1 Dated: November 16, 2017

DONIGER BURROUGHS APC

2
3 /s/ Scott A. Burroughs

4 By: _____
5 Stephen M. Doniger
6 Scott A. Burroughs
7 Justin M. Gomes
8 Trevor William Barrett
9 Attorneys for Plaintiff
10 WONGAB CORPORATION
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION REGARDING SIGNATURES

I, Gordon E. R. Troy, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: November 16, 2017

/s/ Gordon E. R. Troy

Gordon E. R. Troy

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2017, a copy of the foregoing document was filed electronically with the Clerk of the Court using the Court's CM/ECF electronic filing system, which will send an electronic copy of this filing to all counsel of record.

/s/ Gordon E. R. Troy

Gordon E. R. Troy